

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-md-3071
MDL No. 3071**

Judge Waverly D. Crenshaw, Jr.

**THIS DOCUMENT RELATES TO:

ALL CASES**

**DEFENDANT FIRST COMMUNITIES MANAGEMENT, INC.’S UNOPPOSED
MOTION FOR LEAVE FILE A MOTION MODIFYING THE CASE MANAGEMENT
ORDER**

Defendant First Communities Management, Inc. (“FCM”) submits this Motion for Leave to File a Motion Modifying the Case Management Morder less than seven days in advance of the earliest impacted deadline. This Motion is filed on behalf of FCM only. The current deadline to produce structured data is set for December 20, 2024.

In a separate motion attached here, FCM requests that the Court extend the deadline to produce structured data until Wednesday, January 15, 2025 – twenty-six days. Plaintiffs are unopposed to this request. Because of unforeseen circumstances only recently discovered by Defendant FCM, FCM will not meet the December 20, 2024 deadline and must seek leave to request an extension of the deadlines less than seven days before December 20, 2024.

GROUND S FOR MOTION

1. In Defendant FCM’s Motion to Extend the Structured Data Production Deadline filed contemporaneously with this motion, FCM requests an extension of the December 20, 2024 deadline under the Court’s Case Management Order (“CMO”) and Docket Entry 1005 modifying the original CMO.

2. The CMO originally ordered production of structured data on October 25,

2024. (Dkt. 818.) The Court entered an order extending the October 25, 2024 structured data production deadline to December 20, 2024. (See Dkt. 1005.) The CMO states that “[a]ny motion to modify the case management order or any case management deadline shall be filed at least seven days in advance of the earliest impacted deadline.” (Dkt. 818.)

3. Defendant FCM did not know full compliance with the CMO’s structured data production deadline was not possible until recently. Defendant FCM made every effort to fully comply with the December 20, 2024 deadline. Less than seven days before December 20, 2024, Defendant FCM officially confirmed they will only be able to partially to comply with the current December 20, 2024 deadline. Therefore, Defendant FCM seeks leave to file a motion that, if granted, would modify the CMO less than seven days before the current December 20, 2024 deadline. Plaintiffs are unopposed FCM’s request.

4. As discussed in Defendant FCM’s Motion to Extend the Structured Data Production Deadline, the Court has good cause to extend the December 20, 2024 deadline. Despite FCM’s diligent efforts, it will not be able to meet the December 20, 2024 deadline. Likewise, the Court has good cause to grant this related Motion for Leave so that the Plaintiffs can receive the complete discovery of structured data under a modified CMO.

5. As noted in Defendant FCM’s Motion to Extend the Structured Data Production Deadline, FCM will produce the lion share of the structured data on the December 20, 2024 deadline and any extension of the CMO deadline will allow FCM to produce the balance structured data not capable of being produced on or before December 20, 2024.

CONCLUSION

For the foregoing reasons Defendant FCM respectfully requests that the Court grant them leave to file a motion modifying the Court's case management deadline less than seven days in advance of the current December 20, 2024 deadline.

Dated: December 20, 2024

Respectfully submitted,

By: /s/ Richard P. Sybert

Richard P. Sybert(*pro hac vice*)

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CERTIFICATE OF SERVICE

I, Shuying Lin, hereby certify that on December 20, 2024, a PDF copy of the foregoing document was emailed to attorneys of record in the above-captioned case via Plaintiffs' counsel email list-serv (RealPageCoCounsel@scott-scott.com).

/s/ Shuying Lin

SHUYING LIN